

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed November 18, 2002. Upon entry of the amendments in this response, claims 1 – 20, 47 – 51 and 115 - 124 remain pending. In particular, Applicant has added claims 115 - 124, and has canceled claims 21 – 46 and 52 - 114 without prejudice, waiver, or disclaimer. Applicant has canceled claims 21 – 45 and 52 - 114 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Indication of Allowable Subject Matter

The Office Action indicates that claims 1 – 40 are allowed. The Office Action also indicates that claims 47 – 51, 54, 55, 62 – 66, 72 – 75, 83 – 88, 90 – 93, 95, 97 – 100, 102 – 105, 107, 109 – 112 and 140 stand objected to, but would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. As set forth above, Applicant has canceled claims 21 – 46 and 52 – 114 and respectfully asserts that the objection as to these claims has been rendered moot.

Rejections under 35 U.S.C. §112

The Office Action indicates that claim 106 stands objected to under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As set forth above, Applicant has canceled claim 106 without waiver, disclaimer or prejudice and respectfully asserts, therefore, that the rejection has been rendered moot.

Rejections Under 35 U.S.C. §102

The Office Action indicates that claims 41 – 46, 52, 53, 56 – 61, 67 – 71, 76 – 82, 89, 94, 96, 101, 106, 108 and 113 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Eberhard*. As set forth above, Applicant has canceled the aforementioned claims without waiver, disclaimer or prejudice and respectfully asserts, therefore, that the rejection as to these claims has been rendered moot.

Newly Added Claims

As mentioned before, Applicant has added claims 115 – 126. As set forth below, Applicant respectfully asserts that newly added independent claim 115 and its dependent claims 116 – 126 are in condition for allowance.

Claim 115 recites:

115. (Newly Added) A multiple resolution sensing apparatus, comprising:
at least one first photosensor segment having photosensitive elements for scanning at a first resolution; and
at least one second photosensor segment having a plurality of rows, each one of the plurality of rows having photosensitive elements for scanning at a second resolution, the at least one second photosensor segment adjacent to the at least one first photosensor segment;
wherein the photosensitive elements of the second photosensor segment have a higher density than the photosensitive elements of the first photosensor segment so that an image is scanned at a higher resolution with the photosensitive elements of the second photosensor segment than with the photosensitive elements of the first photosensor segment;
wherein, in creating a color image of the first resolution, the photosensitive elements of the first photosensor segment are used; and
wherein, in creating a color image of the second resolution, the photosensitive elements of the second photosensor segment are used.
(Emphasis Added).

Applicant respectfully asserts that the cited art of record is legally deficient for the purpose of anticipating and/or rendering obvious at least the features/limitations emphasized above in claim 115. In particular, Applicant respectfully asserts that the references, either individually or in combination, do not teach, disclose or reasonably suggest at least the features/limitations of “wherein, in creating a color image of a first resolution, the photosensitive elements of the first photosensor segment are used” and “wherein, in creating a color image of the second resolution, the photosensitive elements of the second photosensor segment are used.” Therefore, Applicant respectfully asserts that claim 115 is in condition for allowance.

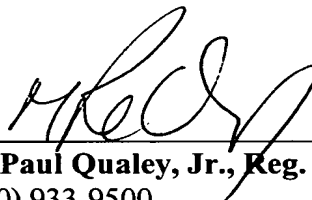
Since dependent claims 116 – 124 include all the features/limitations of claim 115, Applicant respectfully asserts that, for at least this reason, claims 116 – 124 are in condition for allowance. Additionally, these claims recite other features/limitations which also may serve as a basis for patentability.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 – 20, 47 – 51 and 115 - 124 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**



M. Paul Qualey, Jr., Reg. No. 43, 024
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231, on 2/17/03.

Stephanie Riley
Signature

ANNOTATED VERSION OF MODIFIED CLAIMS TO SHOW CHANGES MADE

The following is a marked-up version of the claims with the language that is underlined (“___”) being added and the language that is enclosed within brackets (“[]”) being deleted:

1 47. (Once Amended) [An] A multiple resolution sensing apparatus [as in claim 41,
2 further], comprising:
3 at least one first photosensor segment having a plurality of first photosensitive
4 elements for scanning at a first resolution;
5 at least one second photosensor segment having a plurality of rows, each one of the
6 plurality of rows having a plurality of second photosensitive elements for scanning at a
7 second resolution, the at least one second photosensor segment adjacent to the at least one
8 first photosensor segment[; and], wherein the plurality of second photosensitive elements has
9 a higher density than the plurality of first photosensitive elements so that an image is scanned
10 at a higher resolution with the plurality of second photosensitive elements than with the
11 plurality of first photosensitive elements; and
12 at least one third photosensor segment having a plurality of third photosensitive
13 elements for scanning at a third resolution, the at least one third photosensor segment adjacent
14 to the at least one second photosensor segment, wherein the plurality of third photosensitive
15 elements has a higher density than the plurality of second photosensitive elements so that the
16 image is scanned at the higher resolution with the plurality of third photosensitive elements
17 than with the plurality of second photosensitive elements.

DO NOT ENTER
NOT IN COMPLIANCE w/ Rule 1.173